

ENVIRONMENTAL BOARD

Administrative Amendment Guidelines

Environmental Board Rule 34(D) states:

Administrative amendments to a permit. A district commission may authorize a district coordinator to amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act. Applications processed under this shall be exempt from the distribution, posting and publication requirements of 10 V.S.A. § 6084 and sections (E) through (G) of Rule 10 except that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment. In particular, administrative amendments may be authorized to transfer a previously unrecorded permit to a new landowner, to incorporate a revision in a certification of compliance, or approve minor changes to a permitted project when such revisions will not have any impact on the criteria of the Act or any finding, term, conclusion or condition of prior permits. Administrative amendments are subject to motions to alter filed by any party or affected adjoining landowner pursuant to Rule 31(A).

Administrative Amendments are issued upon the request of an applicant or agent for an applicant. Administrative amendments may be used for record-keeping purposes, to authorize extension of a project's construction completion date, or to approve modifications to a project involving construction of improvements that do not warrant the full minor application process. Administrative amendments may not be used to authorize a project for which an Act 250 permit has not previously been issued.

1. Application Procedure

a. Application Form

A letter is sufficient as an "application" for an administrative amendment submitted primarily for record keeping purposes, including incorporation of an ANR permit, as long as the letter contains the following information:

- applicant's name and address
- permit number
- deed reference for the land
- description of the project, copy of the permit to be incorporated, or other

- requested administrative change
- signature of applicant or applicant's duly authorized representative

Alternatively, the applicant may submit the first two pages of the application form. The applicant is less likely to omit the essential information if the form is used.

For projects involving construction of improvements, the applicant must submit an application which addresses the impacts of the project under the criteria, using the long or short form application.

b. Adjoiner List

All administrative amendment applications must be accompanied by a current list of adjoiners. This includes administrative amendments requested to incorporate ANR permits, to extend the construction completion date, or to make other administrative changes to a permit.

c. Fee

A minimum \$25 fee is charged for all administrative amendments, including permit incorporations and extensions. For projects involving construction of improvements, the fee is calculated as specified in 10 V.S.A. § 6083a., with a minimum fee of \$25.

2. Permit Issuance

a. Memo

A Memo to All Interested Parties stating the purpose of the administrative amendment and the rights of any party to file a motion to alter or appeal may be issued with the administrative amendment, at the discretion of the District Office staff. The administrative amendment shell also contains language clarifying the purpose for issuing the amendment.

b. Certificate/Adjoiners

Administrative amendments must be sent to all parties of record (including the statutory parties and those previously admitted as 14(A)(5) or 14(B) parties) and all current adjoining property owners, along with a certificate of service.

3. Appeal/Motion to Alter

All Administrative Amendments shall include a paragraph describing the rights of

parties to submit a motion to alter or an appeal. This paragraph is included in the Administrative Amendment shell. The language may be modified at such time as the Board adopts amendments to Rule 34(D).

4. Recording

All administrative amendments shall be recorded, at the expense of the Permittee.

5. Standard Permit Condition

All Land Use Permits which incorporate by reference the terms and conditions of a permit issued by the Agency of Natural Resources or other state agency shall include the following sentence either as a separate permit condition or at the end of the condition incorporating the state agency permit:

“Any subsequent nonmaterial changes shall be incorporated herein automatically.”